

Federal Railroad Administration, DOT

Pt. 229, App. D

Section	Violation	Willful violation
(c) Occupied unit in switching, transfer service, in trailing position not sanitary	2,500	5,000
(d) Defective unit used more than 10 days	2,500	5,000
(e) Failure to repair defective modesty lock	1,000	2,000
Subpart D—Locomotive Crashworthiness Design Requirements		
229.205 General requirements:		
(a)(1) Wide-nose locomotive not designed in compliance with AAR S-580-2005	\$5,000	\$7,500
(2) Wide-nose locomotive not designed in compliance with new approved design standard	5,000	7,500
(3) Wide-nose locomotive not designed in compliance with alternate approved design standard	5,000	7,500
(b) Monocoque or semi-monocoque locomotive not in compliance with design requirements	5,000	7,500
(c) Narrow-nose not in compliance with design requirements	5,000	7,500
229.206 Design requirements:		
Locomotive fails to meet—		
(1) Emergency egress requirements	2,500	5,000
(2) Emergency interior lighting requirements	2,500	5,000
(3) Interior configuration requirements	2,500	5,000
229.213 Locomotive manufacturing information:		
(a) Failure to retain required information	2,500	5,000
(b) Failure to produce required information	2,500	5,000
229.215 Retention and inspection of designs:		
(a) Failure to retain required design records	2,500	5,000
(b) Failure to retain required repair or modification records	2,500	5,000
(c) Failure to make records available when requested	2,500	5,000
229.217 Fuel tank:		
(a) External fuel tank	5,000	7,500
(b) Internal fuel tank	5,000	7,500

¹ A penalty may be assessed against an individual only for a willful violation. Generally, when two or more violations of these regulations are discovered with respect to a single locomotive that is used by a railroad, the appropriate penalties set forth above are aggregated up to a maximum of \$16,000 per day. However, a failure to perform, with respect to a particular locomotive, any of the inspections and tests required under subpart B of this part will be treated as a violation separate and distinct from, and in addition to, any substantive violative conditions found on that locomotive. Moreover, the Administrator reserves the right to assess a penalty of up to \$100,000 for any violation where circumstances warrant. See 49 CFR part 209, appendix A.

Failure to observe any condition for movement set forth in § 229.9 will deprive the railroad of the benefit of the movement-for-repair provision and make the railroad and any responsible individuals liable for penalty under the particular regulatory section(s) concerning the substantive defect(s) present on the locomotive at the time of movement. Failure to comply with § 229.19 will result in the lapse of any affected waiver.

[53 FR 52931, Dec. 29, 1988, as amended at 58 FR 36615, July 8, 1993; 61 FR 8888, Mar. 6, 1996; 63 FR 11622, Mar. 10, 1998; 67 FR 16052, Apr. 4, 2002; 69 FR 30594, May 28, 2004; 70 FR 21920, Apr. 27, 2005; 70 FR 37942, June 30, 2005; 71 FR 36915, June 28, 2006; 71 FR 47667, Aug. 17, 2006; 71 FR 63136, Oct. 27, 2006; 72 FR 51197, Sept. 6, 2007; 73 FR 79703, Dec. 30, 2008]

APPENDIX C TO PART 229—FRA LOCOMOTIVE STANDARDS—CODE OF DEFACTS

EDITORIAL NOTE: Appendix C, published at 45 FR 21121, Mar. 31, 1980, as part of the original document, is not carried in the CFR.

APPENDIX D TO PART 229—CRITERIA FOR CERTIFICATION OF CRASHWORTHY EVENT RECORDER MEMORY MODULE

Section 229.135(b) requires that certain locomotives be equipped with an event recorder that includes a certified crashworthy event recorder memory module. This appendix prescribes the requirements for certifying an event recorder memory module (ERMM) as crashworthy, including the performance criteria and test sequence for establishing the crashworthiness of the ERMM

as well as the marking of the event recorder containing the crashworthy ERMM.

A. GENERAL REQUIREMENTS

1. Each manufacturer that represents its ERMM as crashworthy shall, by marking it as specified in Section B of this appendix, certify that the ERMM meets the performance criteria contained in this appendix and that test verification data are available to a railroad or to FRA upon request.

2. The test verification data shall contain, at a minimum, all pertinent original data logs and documentation that the test sample preparation, test set up, test measuring devices and test procedures were performed by designated, qualified personnel using recognized and acceptable practices. Test verification data shall be retained by the manufacturer or its successor as long as the specific model of ERMM remains in service on any locomotive.